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UNCLAS LILONGWE 000405

SIPDIS

SENSITIVE

E.O. 12958: N/A

TAGS: [PGOV](#) [KDEM](#) [PINR](#) [MI](#)

SUBJECT: COURTS POSTPONE ELECTIONS

REF: A. 03 LILONGWE 1202

[¶B.](#) LILONGWE 404

[¶C.](#) LILONGWE 398

[¶D.](#) LILONGWE 381

[¶11.](#) (U) The High Court ruled on May 14 in favor of the Mgwirizano Coalition's request to postpone May 18 presidential and parliamentary elections. It decided on the grounds that the Malawi Electoral Commission (MEC) had not fulfilled the legal requirement to open the voters' roll for public scrutiny at least 21 days before polling day (reftel D). In the High Courts' ruling, the panel of judges determined that the voters' roll should be open to the public through May 19 and that polling day should occur no later than May 25. MEC officials have informally told journalists that polling will likely occur on May 25. (NOTE: According to the Constitution, MEC cannot delay the elections more than 7 days without receiving a mandate from Parliament.)

COMMENT

[¶12.](#) (SBU) Other than fulfilling the legal requirements of the electoral law, postponing polling day will do little to fix the problems with the voters' roll, since MEC will not have sufficient time to correct any errors noted during the verification process. The opposition Coalition will likely welcome the postponement because there is the general feeling that its campaign has been gaining momentum in the recent weeks.

BROWNING